

THIRTY-SEVENTH DAY

WEDNESDAY, MARCH 19, 1997

PROCEEDINGS

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

The President announced that a quorum of the Senate was present.

The Reverend E. F. Bennett, Associate Pastor, Saint John Baptist Church, Corpus Christi, offered the invocation as follows:

O God, we come before Thy presence with our heads bowed, but we come with our hearts lifted up to say thank You. Thank You for this day when we realize, Master, right now somebody is having open-heart surgery. Somebody right now does not know who they are, or where they are. Somebody right now would give all of their earthly possessions just to be here. O, we thank You. We thank You for our Lieutenant Governor. We thank You for these who are here, not to do what they would have done, but that Thy will be done. We thank You for these that are here, not for self-aggrandizement, but that You may be the one to do the little drops of water and the little grains of sand. Thank You. Protect our homes, protect our state, protect our country. This we ask in the name of the Father, and the Son, and the Holy Spirit. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-AUTHORS OF SENATE BILL 828

On motion of Senator Ellis and by unanimous consent, Senators Lucio and Moncrief will be shown as Co-authors of **SB 828**.

CAPITOL PHYSICIAN

Senator Barrientos was recognized and presented Dr. Jeffrey Butts of Austin as the "Doctor for the Day."

The Senate welcomed Dr. Butts and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **HCR 153**

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

Senator Truan was recognized and announced that the introduction of bills and resolutions on first reading would be postponed until later in today's session.

GUESTS PRESENTED

Senator Bivins was recognized and introduced to the Senate a group of students and their teacher Doris Cooper from Trinity School in Midland.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Truan was recognized and introduced to the Senate the Reverend E. F. Bennett, Associate Pastor, Saint John Baptist Church, Corpus Christi. The Reverend Bennett offered the invocation for the Senate today.

The Senate welcomed the Reverend Bennett.

ANNOUNCEMENT

Senator Barrientos was recognized and announced to the Senate that sessions of the Texas Senate will be televised locally, beginning with today's session.

SENATE RESOLUTION 355

Senator Armbrister offered the following resolution:

WHEREAS, Wednesday, March 19, 1997, has been selected as Austin County Day to honor the people of that illustrious county and to recognize their contributions to the State of Texas; and

WHEREAS, Located in southeast Texas, Austin County is the home of more than 20,000 residents who are noted throughout the state for their warmth, hospitality, and generosity; and

WHEREAS, Steeped in heritage and tradition, Austin County is hailed as the birthplace of Anglo-American colonization in Texas; organized in 1837, the county was named for the Father of Texas, Stephen F. Austin; and

WHEREAS, Proud of its role in Texas history, Austin County boasts of a number of "firsts"; the site of the first organized opposition to Mexican rule, Austin County is the home of the first important Texas newspapers, the *Texas Gazette* and the *Telegraph and Texas Register*; Austin County residents established the first English-speaking schools and the first Sunday schools in Texas; and

WHEREAS, Blessed with abundant natural resources and a hardworking citizenry, Austin County has a thriving economy based on agribusiness, steel, and tourism; and

WHEREAS, Few dispute the claim of Austin County residents that among their chief assets are their talented young people who have excelled both academically and scholastically in statewide competition; they have garnered numerous accolades and honors in cross-country, band, volleyball, tennis, speech, science, and art; and

WHEREAS, Winning their third consecutive Class 3A state football championship in 1996 with the 36-27 win over the Tatum High School Eagles, the Sealy High School Tigers captured the hearts of all Austin County residents; and

WHEREAS, Austin County Day is an appropriate occasion for the Texas Senate to commend the citizens of the county, and most especially its young people, on their accomplishments and achievements; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby extend warmest wishes to the citizens of Austin County for a memorable and festive celebration of Austin County Day; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Austin County as a memento of this auspicious occasion.

The resolution was read and was adopted by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 213 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 213, Relating to the establishment of a child-care training center pilot program for certain recipients of public assistance.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 213** as follows:

(1) In SECTION 1 of the bill, in proposed Section 302.003(d), Labor Code (committee printing, page 1, line 36), after "facility" strike "is not required to" and substitute "may not".

(2) In SECTION 1 of the bill, in proposed Section 302.003(g), Labor Code (committee printing, page 1, lines 54 through 61), strike proposed Subsection (g) and substitute the following:

(g) The commission may also provide funding for a person who participates in training through a pilot program to:

(1) complete the person's Child Development Associate national credential or other child-care certification, as determined by the commission;

(2) participate in ongoing interactive training; and

(3) provide start-up grants and loans to establish the person's own child-care business.

(3) In SECTION 1 of the bill, in proposed Section 302.003(i), Labor Code (committee printing, page 2, lines 4 through 13), strike proposed Subsection (i) and substitute the following:

(i) The child of a person who participates in training through a pilot program is entitled to the same discounted rate for child-care services at the facility in which the person is participating in training that the facility offers to the facility's employees. The child-care subsidy provided for the person's child shall be paid to the facility in which the person is participating in training at the rate that the facility offers to the facility's employees. The money saved by the commission under this subsection may be used by the commission to administer the pilot program established under this section.

The amendment was read and was adopted by the following vote: Yeas 30, Nays 1.

Nays: Harris.

CSSB 213 as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 213 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 213 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSB 213 was read third time and was passed by a viva voce vote.

(Senator Sibley in Chair)

GUESTS PRESENTED

Senator Gallegos was recognized and introduced to the Senate Dr. Sanford Shugart, President of North Harris County College; Robert Alcala; and a delegation of students from the North Harris County College Ambassador Program.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Armbrister was recognized and introduced to the Senate Carolyn Bilski, Austin County Judge; Betty Jez, Auditor; Janice Kokemor, Tax Assessor-Collector; Betty Krueger, County Treasurer; James "Bubba" Duke, County Commissioner; and a delegation of citizens from Austin County.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Patterson was recognized and introduced to the Senate the state champion La Marque High School Cougars football team and their coaches.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Wednesday, March 19, 1997

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 218, Relating to enforcement of the National Flood Insurance Program by certain counties; providing a civil penalty.

HB 311, Relating to the prosecution of certain offenses involving firearms, illegal knives, clubs, or prohibited weapons.

HB 506, Relating to a bill of review by a civil court.

HB 515, Relating to the waiver of a trial by jury.

HB 680, Relating to used fire control or fire rescue equipment donated to or made available by the Texas Forest Service.

HB 1424, Relating to the imposition of a municipal sales and use tax and hotel occupancy tax in areas to be annexed by certain municipalities.

HCR 157, Designating March 20, 1997, as Gainesville Chamber of Commerce Day at the Capitol.

HCR 158, Designating March 19, 1997, as Austin County Day at the State Capitol.

HCR 163, Granting the house and senate permission to adjourn for more than three days during the period beginning on March 26, 1997 and ending on April 1, 1997.

HJR 8, Proposing a constitutional amendment to extend the full faith and credit of the state to support the Texas tomorrow fund.

SB 438, Relating to application of the capitol view corridors to construction, renovation, and equipment of Darrell K Royal-Texas Memorial Stadium.

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

SENATE BILL 308 ON SECOND READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

SB 308, Relating to the application of the open meetings law to certain meetings of governmental bodies.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 308** as follows:

(1) In SECTION 1, Subdivision (4), Section 551.001, Government Code, (committee printing, page 1, line 22) between "present" and "and" insert "and which has been called by that governmental body".

The amendment was read and was adopted by a viva voce vote.

SB 308 as amended was passed to engrossment by the following vote: Yeas 27, Nays 4.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nixon, Ogden, Patterson, Ratliff, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire.

Nays: Carona, Nelson, Shapiro, Zaffirini.

SENATE BILL 308 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 308** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire.

Nays: Carona, Shapiro, Zaffirini.

SB 308 was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

STATEMENT OF LEGISLATIVE INTENT

Senator Wentworth submitted the following statement of legislative intent for **SB 308**:

This bill is not intended to prevent occupational or professional examining boards from reviewing test items in closed sessions with their respective staffs or third party test contractors to protect the confidentiality and integrity of tests administered to applicants for occupational or professional credentials.

WENTWORTH

GUESTS PRESENTED

Senator Lucio, joined by Senator Truan, was recognized and introduced to the Senate a delegation of South Texas Legend Pharmacists: Buddy de la Rosa, Sara Garza, Dora and Robert Espinoza, Cynthia Salinas, Carlos Solis, Evelyn Ramos, Jesus Alberto Saenz, Christine Hernandez, Christina Garcia, Danny Vela, Ben Fry, John Z. Cavazos, and Michael Murphy.

The Senate welcomed its guests.

(President in Chair)

GUESTS PRESENTED

Senator Barrientos was recognized and introduced to the Senate a delegation from the Texas Dietetic Association.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 601 ON SECOND READING**

Senator Lindsay asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

CSSB 601, Relating to withdrawal of a unit from a rapid transit authority.

There was objection.

Senator Lindsay then moved to suspend the regular order of business and take up **CSSB 601** for consideration at this time.

The motion prevailed by the following vote: Yeas 23, Nays 5.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Fraser, Galloway, Harris, Haywood, Lindsay, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Wentworth, West, Zaffirini.

Nays: Ellis, Gallegos, Lucio, Truan, Whitmire.

Absent: Barrientos, Luna, Madla.

CSSB 601 was read second time.

Senator Lindsay offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 601** as follows:

(1) on page 2, line 5, delete subsection (f) and insert a new subsection (f) to read as follows:

(f) In an authority created before 1980 in which the principal municipality has a population greater than 1.6 million, only a unit of election in which a majority of qualified voters voted not to confirm the authority and authorize the levy of taxes may withdraw from the authority in accordance with the provisions of this chapter. An election may not be held under this section on a date earlier than the sixth anniversary of the date of the most recent held election under this section.

The amendment was read and was adopted by a viva voce vote.

CSSB 601 as amended was passed to engrossment by the following vote: Yeas 23, Nays 8.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Fraser, Galloway, Harris, Haywood, Lindsay, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Wentworth, West, Zaffirini.

Nays: Barrientos, Ellis, Gallegos, Lucio, Luna, Madla, Truan, Whitmire.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 601 ON THIRD READING**

Senator Lindsay moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 601** be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 24, Nays 7. (Not receiving four-fifths vote of Members present)

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Fraser, Galloway, Harris, Haywood, Lindsay, Luna, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Wentworth, West, Zaffirini.

Nays: Barrientos, Ellis, Gallegos, Lucio, Madla, Truan, Whitmire.

SENATE BILL 86 ON SECOND READING

Senator Shapiro asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

SB 86, Relating to parental notification before an abortion may be performed on a minor; providing a criminal penalty.

Question—Shall the regular order of business be suspended?

POINT OF ORDER

Senator Moncrief raised the following point of order:

I raise a point of order against further consideration of **SB 86** at this time on the grounds that the Committee held its hearing on the bill in the first 30 days of the session without suspending the Constitutional "order of business rule" and without suspending Senate Rule 7.13. The rule does not allow a committee to hold a hearing on a bill, to take up and consider the bill, or to report the bill during the first 30 days without a four-fifths vote or without a declaration at the time of the hearing and report that declared the subject matter of the bill an emergency matter.

The session began on January 14. February 13 was the 31st day of the session. The intent calendar indicates that the committee report was distributed February 10, which is before the 31 day. The Senate did not

suspend the constitutional order of business. The Senate did not adopt a resolution as was adopted in 1979 and 1981 allowing committees to hold hearings and consider all bills and resolutions.

Senate Rule 7.07 provides that at any time during the first 60 days of the regular session a bill may be referred to the proper committee and disposed of under the rules of the Senate. This rule would allow a committee to hold a hearing on a bill, but this rule is one of the rules in the Senate Rules that is used to suspend the Constitutional Order of Business. Senate Rule 7.07, and its predecessor Special Rule VI, conflict with the Constitutional Order of Business and do not control unless the Constitutional Order of Business is suspended, which it was not.

SB 86 may not be considered this session because the committee hearing was held in violation of the Constitutional Order of Business and Senate Rule 7.13, which would have taken a four-fifths vote to suspend at the time.

RULING ON POINT OF ORDER

The President issued the following ruling on the point of order:

Senator Moncrief raises a point of order against further consideration of **SB 86** in that its consideration would violate Senate Rule 7.13.

Article III, Section 5 of the Texas Constitution states in part "When convened in regular session, the first thirty days thereof shall be devoted to the introduction of bills and resolution . . ." It further states, "Provided that during the succeeding thirty days . . . the various committees of each house shall hold hearings to consider all bills and resolutions . . ."

Article III, Section 5 further states that either house may otherwise determine its order of business by a four-fifths vote.

Senate Rule 11.14 states "It shall be in order for committees to consider bills and resolutions at any time, make reports thereon; and file the same with the Senate . . ."

The *Senate Journal* reflects that **SR 1**—the Senate Rules of Procedure—was adopted by a record vote of 30 Yeas, 0 Nays.

The Chair finds that by this record vote and the provisions of Senate Rule 11.14, the Senate has determined its order of business.

Consideration of **SB 86** is therefore in order at this time.

The point of order is respectfully overruled.

Question—Shall the regular order of business be suspended?

Senator Shapiro again asked unanimous consent to suspend the regular order of business to take up for consideration at this time **SB 86**.

There was objection.

Senator Shapiro then moved to suspend the regular order of business and take up **SB 86** for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 9.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Fraser, Galloway, Harris, Haywood, Lindsay, Lucio, Madla, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Sibley, Truan, Zaffirini.

Nays: Barrientos, Ellis, Gallegos, Luna, Moncrief, Shapleigh, Wentworth, West, Whitmire.

SB 86 was read second time.

Senator Shapiro offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 86** as follows:

Section 33.002(a) is amended by inserting the word unemancipated between the words pregnant and minor.

The committee amendment was read and was adopted by a viva voce vote.

Senator Lindsay offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 86** (Senate committee printing) as follows:

(1) In Section 1 of the bill, in Section 33.002(a), Family Code, as added by the bill, strike Subdivisions (2) and (3) (page 1, lines 45-51) and substitute the following:

"(2) the judge of a court issues an order authorizing the minor to consent to the abortion as provided by Section 33.003 or 33.004;

(3) a court, by its inaction, constructively authorizes the minor to consent to the abortion as provided by Section 33.003 or 33.004; or".

(2) In Section 1 of the bill, in Section 33.003(b), Family Code, as added by the bill, strike the language between "(b)" and the colon (page 2, lines 16-17) and substitute the following:

"The application may be filed with the court designated under Subsection (l) for".

(3) In Section 1 of the bill, in Section 33.003, Family Code, as added by the bill (page 3, between lines 19 and 20), add a Subsection (l) to read as follows:

"(l) The local administrative district judge elected for a county under Section 74.091, Government Code, shall designate one or more district courts or statutory county courts, including statutory probate courts, that handle family law matters to act under this section in the county."

(4) In Section 1 of the bill, in Section 33.004(a), Family Code, as added by the bill, in the first sentence (page 3, line 21), strike "district court" and substitute "court of appeals".

(5) In Section 1 of the bill, in Section 33.004(a), Family Code, as added by the bill, in the second sentence (page 3, line 26), strike "district court" and substitute "court of appeals".

(6) In Section 1 of the bill, in Section 33.004(a), Family Code, as added by the bill, in the third sentence (page 3, line 27), strike "district court" and substitute "court of appeals".

(7) In Section 1 of the bill, in Section 33.004(a), Family Code, as added by the bill, after the last sentence (page 3, line 28), insert the following: "The court of appeals shall make its determination in the appeal on the record on appeal and is not required to interview the minor."

(8) In Section 1 of the bill, strike Section 33.004(e), Family Code, as added by the bill (page 3, lines 46-50).

The amendment was read and failed of adoption by the following vote: Yeas 15, Nays 16.

Yeas: Barrientos, Brown, Cain, Ellis, Gallegos, Lindsay, Lucio, Luna, Madla, Moncrief, Shapleigh, Truan, Wentworth, West, Whitmire.

Nays: Armbrister, Bivins, Carona, Duncan, Fraser, Galloway, Harris, Haywood, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Sibley, Zaffirini.

Senator Lindsay offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 86** at the end of Section 1 of the bill, after Section 33.004, Family Code (page 3, between lines 50 and 51, Senate committee printing), by inserting Section 33.005 to read as follows:

"Sec. 33.005. AD LITEM IMMUNITY. A guardian ad litem or attorney ad litem appointed under this chapter has the same judicial immunity as the appointing judge with respect to an act or omission in the course and scope of the appointment."

The amendment was read and was adopted by a viva voce vote.

Senator Lindsay offered the following amendment to the bill:

Floor Amendment No. 3

Amend **SB 86** in Section 1 of the bill, after Section 33.004, Family Code, as added by the bill (page 3, between lines 50 and 51, Senate committee printing), by adding Section 33.006 to read as follows:

Sec. 33.006. COSTS PAID BY STATE. (a) A court acting under Section 33.003 or 33.004 may issue an order requiring the state to pay:

(1) the cost of any attorney ad litem and any guardian ad litem appointed for the minor;

(2) notwithstanding Sections 33.003(k) and 33.004(d), the costs of court associated with the application or appeal; and

(3) any court reporter's fees incurred.

(b) An order issued under Subsection (a) must be directed to the comptroller, who shall pay the amount ordered from funds appropriated for that purpose.

The amendment was read.

Question—Shall Floor Amendment No. 3 to **SB 86** be adopted?

AT EASE

The President at 1:07 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 1:22 p.m. called the Senate to order as In Legislative Session.

SENATE BILL 86 ON SECOND READING

The Senate resumed consideration of **SB 86** on its second reading and passage to engrossment.

Question—Shall Floor Amendment No. 3 to **SB 86** be adopted?

Senator Sibley offered the following amendment to Floor Amendment No. 3:

Floor Amendment No. 4

Amend Floor Amendment No. 3 to **SB 86** as follows:

On line 15, delete "for that purpose" and insert "to Department of Health, Strategy D.1.2.: Family Planning"

The amendment to Floor Amendment No. 3 was read.

On motion of Senator Shapiro and by unanimous consent, further consideration of **SB 86** was postponed to allow the introduction of bills and resolutions on first reading.

Question—Shall Floor Amendment No. 4 to Floor Amendment No. 3 be adopted?

(Senator Truan in Chair)

SENATE BILLS ON FIRST READING

The following bills, filed on Friday, March 14, 1997, were introduced, read first time, and referred to the committees indicated:

SB 371 by Armbrister

Relating to the continuation and functions of the Texas Commission on Fire Protection.

To Committee on State Affairs.

SB 372 by Armbrister

Relating to certain regulatory functions of the Department of Agriculture.

To Committee on Natural Resources.

SB 1375 by Nixon

Relating to the appraisal of certain leaseholds for tax purposes.

To Committee on Finance.

SB 1376 by Ellis

Relating to procedures for contract claims with the Texas Department of Transportation.

To Committee on Jurisprudence.

SB 1377 by Ellis

Relating to the enforcement of child support obligations by the attorney general's office.

To Committee on Jurisprudence.

SB 1378 by Ellis

Relating to the exemption for large risk insurance policies.

To Committee on Economic Development.

SB 1379 by Ellis

Relating to adult education programs.

To Committee on Education.

SB 1380 by Ellis, Barrientos, West

Relating to the creation of a state business daily to give notice before a state agency makes a procurement with a value that exceeds \$25,000.

To Committee on State Affairs.

SB 1381 by Harris

Relating to continuation of certain crime control and prevention districts.

To Committee on Criminal Justice.

SB 1382 by Harris

Relating to certain fees under the Family Code.

To Committee on Jurisprudence.

SB 1383 by Harris

Relating to criminal law magistrates in Tarrant County.

To Committee on Jurisprudence.

SB 1384 by Haywood, Ellis

Relating to counseling and education programs for certain persons in a suit for divorce or a suit affecting the parent-child relationship.

To Committee on Jurisprudence.

SB 1385 by Haywood

Relating to the use of videoconferencing technology by the office of the attorney general.

To Committee on Jurisprudence.

SB 1386 by Haywood

Relating to title to materials and equipment in the state library system.

To Committee on State Affairs.

SB 1387 by Patterson

Relating to authority by the Association, after prior approval by the Commissioner, to issue policies paying actual cash value benefits instead of replacement cost benefits for damage to roofs when underwriting criteria approved by the Commissioner are met.

To Committee on Economic Development.

SB 1388 by Patterson

Relating to reserves maintained by title insurers.

To Committee on Economic Development.

SB 1389 by Lindsay

Relating to the applicability of the Private Real Property Rights Preservation Act to certain political subdivisions.

To Committee on State Affairs.

SB 1390 by Lindsay

Relating to siting of landfills.

To Committee on Natural Resources.

SB 1391 by Lindsay

Relating to establishing and maintaining a county road.

To Committee on Intergovernmental Relations.

SB 1392 by Lindsay

Relating to limitations on the permitting of municipal solid waste landfills.

To Committee on Natural Resources.

SB 1393 by Lindsay

Relating to the prohibition of issuing a permit for a municipal solid waste facility within a certain distance of a residence, place of worship, school, day-care center, drinking water supply, or park.

To Committee on Natural Resources.

SB 1394 by Lindsay

Relating to the authority of a municipality to require a building permit for construction and renovation work on county-owned buildings and facilities by certain counties.

To Committee on Intergovernmental Relations.

SB 1395 by Lindsay

Relating to the preparation of a county budget in certain counties.

To Committee on Intergovernmental Relations.

SB 1396 by Lindsay

Relating to an exception to the open meetings law for certain deliberations of the board of a hospital district.

To Committee on State Affairs.

SB 1397 by Lindsay

Relating to the purchase of fire-fighting and emergency medical services equipment and property by a municipality annexing an area.

To Committee on Intergovernmental Relations.

SB 1398 by Lindsay

Relating to commissioners court approval for certain municipal annexations.

To Committee on Intergovernmental Relations.

SB 1399 by Lindsay

Relating to strategic partnerships for the continuation of certain water or municipal districts.

To Committee on Intergovernmental Relations.

SB 1400 by Moncrief

Relating to the prevention and detection of fraud in certain programs administered by the Texas Department of Human Services.

To Committee on Health and Human Services.

SB 1401 by Moncrief

To allow creation of a Fire Protection and Crime Prevention District in municipalities partially or wholly located in counties with a population between 1 million and 1.5 million.

To Committee on Intergovernmental Relations.

SB 1402 by Moncrief

Relating to protection and attribution rights of an artist.

To Committee on Jurisprudence.

SB 1403 by Moncrief

Relating to the establishment and funding of a blindness education, screening, and treatment program.

To Committee on Health and Human Services.

SB 1404 by Moncrief

Relating to certain conditions of employment for firefighters and police officers in certain municipalities.

To Committee on Intergovernmental Relations.

SB 1405 by Moncrief

Relating to drug benefits available under certain health care programs administered by the Texas Department of Health.

To Committee on Health and Human Services.

SB 1406 by Lucio

Relating to the duties and operations of a watermaster's office, reimbursement of the Texas Natural Resource Conservation Commission for the compensation and necessary expenses of a watermaster's office and creation of the watermaster fund.

To Committee on Natural Resources.

SB 1407 by Lucio

Amending Sec. 201.507 of the State Taxation Code, and relating to temporary exemptions of certain high cost gas.

To Committee on Finance.

SB 1408 by Patterson

Relating to the authority of a political subdivision to select the provider of electric service provided to the political subdivision.

To Committee on State Affairs.

SB 1409 by Sibley

Relating to the creation of the Invest Texas Program to encourage capital investment and job creation.

To Committee on Economic Development.

SB 1410 by Ellis

Relating to the creation of an offense for failing to return public library property.

To Committee on Criminal Justice.

SB 1411 by Ellis

Relating to the right of certain municipalities to maintain local control over

wages, hours, and other terms and conditions of employment.
To Committee on Intergovernmental Relations.

SB 1412 by Ellis

Relating to conduct requiring registration under the lobbying statute.
To Committee on State Affairs.

SB 1413 by Ellis

Relating to the creation of an immunization registry and to reporting requirements concerning immunizations and providing criminal penalties.
To Committee on Health and Human Services.

SB 1414 by Luna

Relating to grants made by the commissioner of education to certain school districts.
To Committee on Education.

SB 1415 by Luna

Relating to the addition of certain professional school personnel to the state minimum salary schedule.
To Committee on Education.

SB 1416 by Ellis

Relating to deposit of public funds in banks or savings associations.
To Committee on Finance.

SB 1417 by Ellis, Armbrister, Ratliff

Relating to judicial efficiency.
To Committee on Jurisprudence.

SB 1418 by Moncrief, Harris

Relating to a mortgage guaranty insurance policy.
To Committee on Economic Development.

SB 1420 by Ellis

Relating to an appropriation to the Texas Department of Human Services.
To Committee on Finance.

SB 1421 by Shapleigh

Relating to accommodating a municipal or county employee with a partial disability related to pregnancy.
To Committee on Intergovernmental Relations.

SB 1422 by Ratliff

Relating to the procedures governing the funding formulas established by the Texas Higher Education Coordinating Board.
To Committee on Finance.

SB 1423 by Ratliff

Relating to the right of certain lessees of real property to protest before an appraisal review board a determination of the appraised value of the property for ad valorem tax purposes.
To Committee on Intergovernmental Relations.

SB 1424 by Ratliff

Relating to the qualification for sales and use tax exemption of certain property used in manufacturing.

To Committee on Finance.

SB 1425 by Nelson

Relating to approval by voters of the establishment of certain county development districts.

To Committee on Intergovernmental Relations.

SB 1426 by Nelson

Relating to certain early voting processes and procedures; providing criminal penalties.

To Committee on State Affairs.

SB 1427 by Nelson

Relating to liability for injury arising from a motor vehicle accident to a driver who fails to maintain financial responsibility.

To Committee on Economic Development.

SB 1428 by Nelson

Relating to the enforcement of vehicle weight laws in certain municipalities.

To Committee on State Affairs.

SB 1429 by Nelson

Relating to exempting certain film, video, and audio productions from the hotel occupancy tax.

To Committee on Finance.

SB 1430 by Nelson

Relating to exempting from the sales tax property used in producing a motion picture or a video or audio recording.

To Committee on Finance.

SB 1431 by Nelson

Relating to grants to fund motion picture facilities.

To Committee on Finance.

SB 1432 by Nelson

Relating to exempting certain film, video, and audio productions from the tax on the rental of motor vehicles.

To Committee on Finance.

SB 1433 by Nelson

Relating to the consolidation of state telecommunications services into a nonprofit corporation.

To Committee on Economic Development.

SB 1434 by Wentworth

Relating to the creation of a consolidated municipal-county government in Bexar County.

To Committee on Intergovernmental Relations.

SB 1435 by Wentworth

Relating to the liability of certain persons for injury to others that occurs on agricultural land used for recreation.

To Committee on Economic Development.

SB 1436 by Wentworth

Relating to the authorization of the Texas Natural Resource Conservation Commission to issue general permits by rule for the discharge of waste into or adjacent to water in the state.

To Committee on Natural Resources.

SB 1437 by Wentworth, Zaffirini, Barrientos

Relating to the exemption from and limitations on ad valorem taxes on the residence homestead of an elderly individual and the individual's surviving spouse and to the termination of that exemption if that homestead ceases to be the homestead of that elderly individual or surviving spouse.

To Committee on Finance.

SB 1438 by Wentworth

Relating to a late application by certain veterans organizations for an exemption from ad valorem taxation.

To Committee on Intergovernmental Relations.

SB 1439 by Wentworth

Relating to the state's motor vehicle emissions inspection and maintenance program; providing penalties.

To Committee on Natural Resources.

SB 1440 by Wentworth

Relating to tax exemptions on oil and gas production.

To Committee on Finance.

SB 1441 by Wentworth

Relating to the authority of the Bexar Metropolitan Water District to issue bonds.

To Committee on Natural Resources.

SB 1442 by Wentworth, Ellis

Relating to the appointment of the members of the Texas Transportation Commission.

To Committee on State Affairs.

SB 1443 by Wentworth

Relating to arbitration of certain claims against the Texas Department of Criminal Justice arising from the construction of certain state correctional facilities.

To Committee on Jurisprudence.

SB 1444 by Harris

Relating to the substitution of certain drugs by a pharmacist.

To Committee on Health and Human Services.

SB 1445 by Harris

Relating to birth records of adopted children.

To Committee on Jurisprudence.

SB 1446 by Harris

Relating to the terms under which insurers may engage in the business of reinsurance in this state.

To Committee on Economic Development.

SB 1447 by Harris

Relating to the conversion of mutual insurance companies to stock insurance companies.

To Committee on Economic Development.

SB 1448 by Barrientos

Relating to the operation and functions of certain mass transit authorities.

To Committee on Intergovernmental Relations.

SB 1449 by Barrientos

Relating to the exemption from and limitations on ad valorem taxes on the residence homesteads of elderly individuals and their surviving spouses.

To Committee on Finance.

SB 1450 by Nelson

Relating to the terms of tax abatement agreements entered into by the Dallas County Flood Control District No. 1.

To Committee on Economic Development.

SB 1451 by Nelson

Relating to the addition of territory to or exclusion of territory from a county development district.

To Committee on Natural Resources.

SB 1452 by Nelson

Relating to certain information relating to abortion facilities.

To Committee on Health and Human Services.

SB 1453 by Ratliff

Relating to approval of the comptroller's account against the state.

To Committee on Finance.

SB 1454 by Lucio

Relating to the validation of a governmental act or proceeding of a municipality.

To Committee on Intergovernmental Relations.

SB 1455 by Lucio

Relating to the ability of voters in certain counties to petition a commissioners court to increase the salary of members of the county sheriff's department.

To Committee on Intergovernmental Relations.

SB 1456 by Lucio

Relating to the funding and operation of certain emergency management and disaster relief programs.

To Committee on Finance.

SB 1457 by Armbrister

Relating to the appraisal of property for ad valorem tax purposes and the

annual study of school district property values.
To Committee on Finance.

SB 1458 by Armbrister
Relating to regulation of the import, export, and management of deer.
To Committee on Natural Resources.

SB 1459 by Armbrister
Relating to protection of agricultural improvements.
To Committee on Natural Resources.

SB 1460 by Armbrister
Relating to the designation of excess benefit plans.
To Committee on State Affairs.

SB 1461 by Armbrister
Relating to high occupancy vehicle lanes and the charging of tolls on the state highway system for the purpose of congestion mitigation.
To Committee on State Affairs.

SB 1462 by Armbrister
Relating to the installation, maintenance, and operation of certain telecommunications facilities on or within state highway improvements.
To Committee on State Affairs.

SB 1463 by Wentworth
Relating to the board of directors, boundaries, and financing of the Southwest Travis County Water District.
To Committee on Natural Resources.

SB 1464 by Brown
Relating to an exemption from the industrial solid waste collection, handling, storage, and processing permitting process for such activities on land owned or controlled by the source of the waste.
To Committee on Natural Resources.

SB 1465 by Brown
Relating to the handling and testing of certain animals; providing a penalty.
To Committee on Natural Resources.

SB 1466 by Ellis
Relating to the Texas Motor Vehicle Safety Responsibility Act.
To Committee on Economic Development.

SB 1467 by Ellis
Relating to student center fees at Texas Southern University.
To Committee on Finance.

SB 1468 by Ellis
Relating to authorizing the issuance of revenue bonds for Texas Southern University.
To Committee on Finance.

SB 1469 by Ellis
Relating to construction projects managed by the General

Services Commission.
To Committee on State Affairs.

SB 1470 by Ellis
Relating to a prepaid tuition plan for graduate studies.
To Committee on Finance.

SB 1471 by Ellis
Relating to the repeal of the law authorizing the issuance of a license to carry a concealed handgun.
To Committee on Criminal Justice.

SB 1472 by Ellis
Relating to the time requirements for certain petitions and hearings for a juvenile who is in detention.
To Committee on Criminal Justice.

AT EASE

The Presiding Officer, Senator Truan in Chair, at 1:47 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 2:00 p.m. called the Senate to order as In Legislative Session.

SENATE BILL 86 ON SECOND READING

The Senate resumed consideration of **SB 86** on its second reading and passage to engrossment.

Question—Shall Floor Amendment No. 4 to Floor Amendment No. 3 be adopted?

On motion of Senator Sibley and by unanimous consent, Floor Amendment No. 4 was withdrawn.

Senator Sibley offered the following amendment to Floor Amendment No. 3:

Floor Amendment No. 5

Amend Floor Amendment No. 3 to **SB 86** as follows:

On line 15, delete "for that purpose" and insert "to Department of Health, Strategy D.1.2.: Family Planning"

The amendment to Floor Amendment No. 3 was read.

Senator Moncrief offered the following substitute amendment for Floor Amendment No. 5 amending Floor Amendment No. 3:

Floor Amendment No. 6

Substitute Floor Amendment No. 6 for Floor Amendment No. 5 amending Floor Amendment No. 3 to **SB 86** to read as follows:

On line 15, delete "for that purpose" and insert "to Fiscal Programs-Comptroller of Public Accounts, Strategy A.1.8. Unclaimed Property"

The substitute amendment for Floor Amendment No. 5 was read and failed of adoption by the following vote: Yeas 13, Nays 17.

Yeas: Barrientos, Cain, Ellis, Gallegos, Lucio, Luna, Madla, Moncrief, Shapleigh, Truan, Wentworth, West, Whitmire.

Nays: Armbrister, Bivins, Brown, Carona, Duncan, Galloway, Harris, Haywood, Lindsay, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Sibley, Zaffirini.

Absent: Fraser.

Question recurring on the adoption of Floor Amendment No. 5 to Floor Amendment No. 3, Floor Amendment No. 5 was adopted by the following vote: Yeas 20, Nays 10.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Galloway, Harris, Haywood, Lindsay, Lucio, Madla, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Sibley, Zaffirini.

Nays: Barrientos, Ellis, Gallegos, Luna, Moncrief, Shapleigh, Truan, Wentworth, West, Whitmire.

Absent: Fraser.

Question recurring on the adoption of Floor Amendment No. 3 as amended, the amendment as amended was adopted by a viva voce vote.

RECORD OF VOTE

Senator Barrientos asked to be recorded as voting "Nay" on the adoption of Floor Amendment No. 3 as amended.

Senator Lindsay offered the following amendment to the bill:

Floor Amendment No. 7

Amend SB 86 as follows:

On page 3, between lines 50 and 51 (committee printing), insert the following:

Sec. 33.007. REPORTING OF SEXUAL ABUSE OF A MINOR. A court or the guardian ad litem or attorney ad litem for the minor may report sexual abuse of the minor based on information obtained during a confidential court proceeding held under this chapter to:

- (1) any local or state law enforcement agency;
- (2) the Department of Protective and Regulatory Services if the alleged or suspected abuse involves a person responsible for the care, custody, or welfare of the child;
- (3) the state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse occurred, if the alleged abuse occurred in a facility operated, licensed, certified, or registered by a state agency; or
- (4) an appropriate agency designated by the court.

The amendment was read and was adopted by a viva voce vote.

Senator Gallegos offered the following amendment to the bill:

Floor Amendment No. 8

Amend **SB 86** by amending 33.002(a)(1)(B) and adding new subsection (C) to read as follows:

(B) a court-appointed managing conservator or guardian; or

(C) an adult suggested by the pregnant minor;

The amendment was read.

On motion of Senator Shapiro, Floor Amendment No. 8 was tabled by the following vote: Yeas 22, Nays 9.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Fraser, Galloway, Harris, Haywood, Lindsay, Lucio, Madla, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Sibley, Wentworth, Zaffirini.

Nays: Barrientos, Ellis, Gallegos, Luna, Moncrief, Shapleigh, Truan, West, Whitmire.

The bill as amended was passed to engrossment by the following vote: Yeas 22, Nays 9.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Fraser, Galloway, Harris, Haywood, Lindsay, Lucio, Madla, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Sibley, Truan, Zaffirini.

Nays: Barrientos, Ellis, Gallegos, Luna, Moncrief, Shapleigh, Wentworth, West, Whitmire.

MOTION TO ADJOURN

On motion of Senator Truan and by unanimous consent, the Senate at 2:28 p.m. agreed to adjourn, upon conclusion of the Local and Uncontested Calendar Session to be held tomorrow, until 10:00 a.m. tomorrow.

MEMORIAL RESOLUTION

SR 354 - by Wentworth: In memory of Virginia Cox Obriotti of San Antonio.

WELCOME AND CONGRATULATORY RESOLUTIONS

SCR 56 - by Luna, Madla, Wentworth, Zaffirini: Congratulating the Fox Tech Buffaloes of San Antonio.

SR 325 - by West: Welcoming the Student Advisory Committee of Senator Royce West to the State Capitol.

SR 352 - by West: Congratulating Dr. Shirley Wesley King of Arlington.

SR 353 - by Lindsay: Congratulating David Wideman of Spring.

MISCELLANEOUS RESOLUTION

HCR 158 - (Armbrister): Designating March 19, 1997, as Austin County Day at the State Capitol.

RECESS

On motion of Senator Truan, the Senate at 2:28 p.m. recessed until 8:30 a.m. tomorrow for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Senate:

March 19, 1997

STATE AFFAIRS — SB 944 (Amended)

JURISPRUDENCE — SB 287 (Amended), CSSB 506, CSSB 712

ECONOMIC DEVELOPMENT — HB 578, SB 293, SB 547, CSSB 459

STATE AFFAIRS — CSSB 681, SB 827 (Amended)

CRIMINAL JUSTICE — SB 298, SB 299, SB 324, SB 580, CSSB 526

ECONOMIC DEVELOPMENT — CSSB 206, SB 417 (Amended)

STATE AFFAIRS — CSSJR 14, CSSB 214, CSSB 259, CSSB 509,
CSSB 935

ECONOMIC DEVELOPMENT — CSSB 251

JURISPRUDENCE — CSSB 345, CSSB 453

HEALTH AND HUMAN SERVICES — SB 403, SB 725, SB 909